



U.S. Department of Justice

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February 7, 2011

Via ECF and By Hand

The Honorable Edward R. Korman
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Zakay Sasson and Ezra Sasson
Criminal Action No. CR 03-489 (ERK)

Dear Judge Korman:

The United States respectfully submits this letter in opposition to the undocketed, post-sentencing letter, dated January 19, 2011, submitted by defense counsel in connection with the \$12 million forfeiture money judgment ("Defendants' letter"). Defendants' letter, without citing to any legal authority, states, "I intend to move to vacate the Order of Forfeiture and reduce it to a more correct amount." This appears to be premised upon defendants' representations that they lack funds to pay the forfeiture.

There is no legal basis for any such motion. Indeed, the Second Circuit has made clear that any such motion is without legal merit. United States v. Awad, 598 F.2d 76 (2d Cir. 2010) ("We join our sister courts of appeal in holding that [21 U.S.C.] § 853 permits imposition of a money judgment on a defendant who possesses no assets at the time of sentencing.") (citations therein omitted).

Furthermore, in this case, any attempt by defendants' to seek a reduction of the Order of Forfeiture that has already been agreed to and entered by the Court is particularly spurious. Over five years ago, on March 31, 2005 (following jury selection in the anticipated criminal trial), each of the individual defendants, Ezra Sasson and Zakay Sasson, pursuant to plea agreements, pled guilty to money laundering conspiracy, 18 U.S.C. § 1956(h), and as part of each of their plea agreements, agreed to forfeit \$12 million. On April 8, 2005, the Court entered an

